

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ROBERT J. FILECCIA,  
RICHARD FILECCIA,

Plaintiffs,

-against-

CITY OF NEW YORK, *et al.*,

Defendants.

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10-CV-889 (ARR)(RML)

NOT FOR  
PUBLICATION

OPINION AND ORDER

ROSS, United States District Judge:

Plaintiffs appeal a September 8, 2010 order by Magistrate Judge Levy requiring plaintiffs to produce a properly executed criminal records release pursuant to NYCPL § 160.50. Plaintiffs object to producing that release without the imposition of certain requirements they believe are necessary to protect the released records. In making his ruling at the September 8 conference, Magistrate Judge Levy found the imposition of additional requirements to safeguard the released records unnecessary. (Tr. 22-25).

Rule 72(a) of the Federal Rules of Civil Procedure and the Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(A), establish that a district court shall reverse a Magistrate Judge's order regarding a non-dispositive matter only where the order is "clearly erroneous or contrary to law." "An order is clearly erroneous only if a reviewing court, considering the entirety of the evidence, is left with the definite and firm conviction that a mistake has been committed; an order is contrary to law when it fails to apply or misapplies relevant statutes, case law, or rules of

procedure.” Ohlson v. Cadle Co. Inc., 2010 U.S. Dist. LEXIS 37811, at \*1-\*2 (E.D.N.Y. April 16, 2010) (citations and internal quotation marks omitted).

After carefully reviewing the parties’ submissions and the record, this Court finds that Magistrate Judge Levy’s order was neither clearly erroneous nor contrary to law. The Court therefore affirms the order.

SO ORDERED.

/S/

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Allyne R. Ross  
United States District Judge

Dated: October 8, 2010  
Brooklyn, New York

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Other parties via ECF

cc: Magistrate Judge Levy